

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DRAFTED 06/01/05

Frank Lill & Son, Inc.,)
)
 Plaintiff,)
v.)
) Civil Action No. 05-10122 RGS
Medical Area Total Energy)
Plant, Inc.,)
 Defendant.)
)

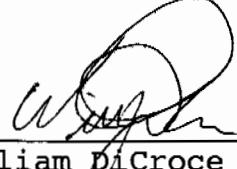
DEFENDANT'S CERTIFICATION PURSUANT TO
LOCAL RULE 16.1, UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Defendant Medical Area Total Energy Plant, Inc.
(MATEP), and MATEP's counsel, hereby certify pursuant to
Local Rule 16.1 that:

(1) MATEP and MATEP's counsel have conferred with a
view to establishing a budget for the costs of conducting
the full course of litigation and of conducting alternative
courses of litigating such as non-binding mediation.

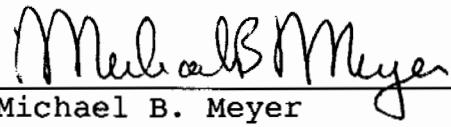
(2) MATEP and MATEP's counsel have agreed to
participate in non-binding mediation if plaintiff is also
willing to participate.

Respectfully Submitted,
MEDICAL AREA TOTAL ENERGY
PLANT, INC.
Defendant



William DiCroce
President
Medical Area Total Energy
Plant, Inc.
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Counsel for MATEP, INC.
Defendant



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May 18, 2005